

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-11-52-GF-BMM-2

Plaintiff,

vs.

MELISSA ANN BARONE,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 12, 2019. (Doc. 244.) The Defendant waived the 14 day objection period and the right to allocute before the undersigned at the revocation hearing held September 11, 2019. (Doc. 240.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 11, 2019. (Doc. 240.) The United States accused Ms. Barone (Barone) of violating her conditions of supervised release by: 1) by using a controlled substance; 2) using

methamphetamine); 3) by failing to report for substance abuse testing; (Doc. 244 at 2.) Russette admitted to allegations 2 and 3 (Doc. 240.) The government did not attempt to prove alleged violation 1. Judge Johnston found that Barone's violations warrant revocation, and recommended a sentence of time served, with no supervised release to follow. (Doc. 244 at 4.)

These violations prove serious and warrant revocation of Barone's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 244) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Melissa Ann Barone be sentenced to a term of time served with no supervised release to follow.

DATED this 12th day of September, 2019.



Brian Morris
United States District Court Judge